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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<b><u>Distribution:</u></b>  ___ All Child Care Evaluator Manual Holders <u>X</u> All Residential Care Evaluator Manual Holders ___ All Evaluator Manual Holders	<b><u>Transmittal No.</u></b> <b>03GH-02</b>
	<b><u>Date Issued</u></b> November 2003

**Subject:**

Group Home (Blues)

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**Reason For Change:**

This section is necessary to clarify conditions under which exceptions may be granted to allow a child from a Group Home to reside in an Adult Residential Facility and updates the definition for social work staff.

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**Filing Instructions:**

- X REMOVE – Pages – Cover page, page 1, 2, 3, 14, 15
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**Approved:**

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*12-1-03*

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**REGULATION INTERPRETATIONS**

**AND**

**PROCEDURES**

**FOR**

**GROUP HOMES**

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**ARTICLE 1 GENERAL REQUIREMENTS AND DEFINITIONS****84000 GENERAL****84000****(b) POLICY**

The group home license must specify the age group that the facility will serve and where in the facility children under the age of six, if served by that facility, will be housed.

**PROCEDURE**

Identify in the comment section of the license the age range served. In addition, if children six years and over are served, identify in the comment section of the license the housing location for the children under six years of age.

Refer to Section 84222 for information about the Group Home Program Statement (LIC 9106).

**84001 DEFINITIONS****84001****(q)(1) PROCEDURE**

“Qualified Mental Retardation Professional”

Review documentation to ensure that the mental retardation professional meets the qualifications specified in this regulation section.

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**(s)(1) POLICY**

“Satellite Home”

A satellite home which relies on the qualifications of the primary facility to meet licensure requirements shall not be licensed as a group home.

**PROCEDURE**

Review application materials to ensure that all facilities independently comply with the group home regulations.

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**(s)(2) POLICY**

“Social Work Staff”

All group homes must have a social work staff who performs the duties specified in this chapter. Group homes are not required to have a Department approved waiver/exception when their social work staff have a bachelor’s degree in behavioral science, including but not limited to Social Work, Psychology, Child Development, Marriage and Family Therapy, and Counseling.

**PROCEDURE**

Refer to Sections 84065(c) and 84065.2(c).

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**ARTICLE 3 APPLICATION PROCEDURES****84018 APPLICATION FOR LICENSE****84018****(a) POLICY**

Effective October 1, 1993, all group home applicants must complete the Plan of Operation requirements by submitting the Group Home Program Statement (LIC 9106). See Evaluator Manual Reference Material Section 3-0279 for more details.

**(b)(1)**

There shall be sufficient liquid assets in reserve to ensure facility operation, independent from reliance on prospective client fees, for the first three months. Start-up funds shall not include funds used for construction costs. However, when there is a change of ownership and clients are currently in placement, expected income from existing clients will be considered.

**PROCEDURE****Review the following:**

1. Monthly Operating Budget (LIC 401) shall be submitted by all applicants. In reviewing, determine that it covers all expenses, on a monthly basis. If salaries are being paid, the fringe benefits should approximate 12-15 percent of the salary cost. Ascertain if the expenses specified are reasonable in comparison to the estimated income.
2. Financial Statement (LIC 403) or Budget Information (LIC 420) shall be submitted by all applicants. It shall be reviewed to determine that there is sufficient convertible assets to cover all expenses for at least three months as it is possible that the income estimated by the applicant will not be realized for that period.
3. Financial Information Release and Verification (LIC 404) shall be submitted by the applicant(s) and shall be sent to their source(s) of credit/funding.

If serious question arises that you and your supervisor are unable to resolve with an applicant, forward a Service Request (LIC 837) to Regional Office Management for review and, as appropriate, referral for an audit, to the Audit Section (Reference Material Sections 1-0700 through 1-0790).

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**ARTICLE 3 APPLICATION PROCEDURES (Continued)****84026 SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES 84026****(b)(4) POLICY**

Portions of a child's allowance may be withheld through a fining system that has been previously approved by the licensing agency. Fines collected from a child's allowance shall be maintained in a separate account. The records for this account must identify the amount of each fine and the reason for the fine. Records must also account for any interest earned and expenditures from this fund. When the child leaves the facility, monies accumulated in the child's account must be released to the child as the child's property.

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**84030.1 PROVISIONAL LICENSE 84030.1****(d) POLICY**

If the Department determines that serious deficiencies exist which may warrant denial of a provisional license, the District Office should follow the existing procedures for the denial of the application and concurrently advise the placement agency that the clients should be moved.

**PROCEDURE**

If, during the term of the provisional license, serious health and safety risks arise:

1. Issue a Notice of Denial-Initial Application (LIC 192) and establish in the letter the date the facility must cease operations (taking into consideration any client relocation which may be necessary.) (See Section 80040) (Reference Material Sections 1-1180 and 1-1190)
  2. After the effective date in the LIC 192, if the facility continues operation, issue a Notice of Operation in Violation of Law (LIC 195). (See Section 80006)
- 

**(e) POLICY**

Before the termination/ending date of a Provisional license, the licensing agency shall:  
(1) Conduct a comprehensive review to determine whether all licensing requirements are met and (2) Deny or approve the application for a permanent license.



**84030.1 (e) PROVISIONAL LICENSE (Continued)****84030.1****PROCEDURE**

The Licensing Program Analyst is responsible for ensuring that they complete the comprehensive review after the 8<sup>th</sup> month of operation. It is recommended that the comprehensive review be completed by the 11<sup>th</sup> month to allow time to process the paperwork to issue a permanent license.

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**84031 ISSUANCE OF LICENSE****84031****(a) POLICY**

A facility's failure to comply with a local ordinance or deed restriction shall not constitute grounds for denial of an application or revocation of a license unless the reasons for noncompliance are also violations of licensing laws and regulations.

**PROCEDURE**

1. If a city, county, landlord, etc., notifies a licensing agency that an applicant/licensee is failing to meet the terms of a local ordinance, or deed restriction, advise such person(s) that if the facility meets the requirements of Title 22, California Code of Regulations and the Community Care Facility Act, the applicant/licensee will be issued a license to operate a community care facility. They should further be advised that any administrative/legal action or recourse as it pertains to nonconformance with local ordinances or deed restrictions would have to be initiated and carried out by the city, county, landlord, etc., in question.
  2. If such noncompliance is determined to be in violation of licensing laws and regulations, advise the applicant/licensee of the violation and take appropriate legal/administrative action, i.e., denial, issuance of civil penalties, etc. (See Sections 80040-80042.)
  3. If it is discovered that a city, county, landlord, etc., has adopted/imposed a local ordinance or deed restriction which is in violation of State law, (i.e., Health and Safety Code Sections 1529.5, 1566.3, 1567.9) the licensing agency shall not initiate to take legal/administrative action against the city, county, landlord, etc., on an applicant's/licensee's behalf. In such cases, the applicant/licensee shall be advised that if they meet all of the provisions of Title 22, California Code of Regulations and conform with State laws, they shall receive a license.
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**84031 ISSUANCE OF LICENSE (Continued)****84031**

(b)

**PROCEDURE**

Determine, as the result of the site visit, that the facility and licensee meet licensing requirements. Review the entire folder and make a final decision on the application. Forward the folder to the clerk with a Transmittal for Processing (LIC 907), recommending licensure and detailing limitations and the applicant's preferences. The clerk prepares the Application for License (LIC 150) and the License Notice (LIC 272) and forwards the folder to the supervisor for review. If recommendation for licensure is approved, the supervisor signs off the above forms and forwards to the clerk for recording and mailing.

If recommendation for licensure is not approved, the supervisor will discuss the case with you and the action to be taken. It is important not to advise the applicant of a licensure decision prior to supervisory approval.

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**ARTICLE 6 CONTINUING REQUIREMENTS****84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES****84064****(c) POLICY**

The licensing agency may require the administrator/licensee to devote additional hours in the facility when it is documented and substantiated that a facility has not been administered according to regulations or that the administrator has not fulfilled his/her responsibilities. This would typically occur after the facility has received repeated citations for the same violations. The licensing agency is responsible for evaluating each situation and making case-by-case determinations based on the type and number of violations. As there are no guidelines to the number of hours required, this would be negotiated between the licensee and the licensing agency.

**PROCEDURE**

Review facility records and interview staff and children, if appropriate, to determine that the administrator is in the facility and providing sufficient time to the operation and management of the facility. Document findings on LIC 809 and other supporting reports as required.

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**(d)(2)(B) PROCEDURE**

Refer to Section 80064 (b).

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**(e)(2)(D) POLICY**

Educational requirements must be verified by an original or copy of official grade slips/transcripts, certificates or signed documentation on letterhead from a college, adult education or other recognized educational institution. Reference letters shall be used to verify requirements for experience.

If an administrator is in charge of more than one type of facility or group home with differing capacities, the administrator shall meet the qualifications for each facility.

**PROCEDURE**

Review Personnel Record (LIC 501) and the employee personnel file to ensure that the administrator meets the applicable qualifications.

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**84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**  
(Continued)**84064****(f) POLICY**

As administrator qualifications are tied to capacity, if an administrator subsequently transfers from one facility to another which requires different administrator qualifications, the grandfathering clause no longer applies. The administrator must then meet the qualifications for that facility capacity. Administrators may, however, transfer to a comparable facility capacity which requires the same qualifications and retain the grandfathering privilege.

Where the licensee is the administrator, the date of licensure shall be considered the date of employment.

A break in employment is considered a period of time in which the administrator is not actually employed in a group home.

**(f) PROCEDURE**

Review Personnel Record (LIC 501) and the employee personnel file to determine the date of employment.

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**(g) POLICY**

In order to meet Aid to Families with Dependent Children-Foster Care funding requirements, the Foster Care Rates Bureau requires that group home administrators and facility managers allocate a specified number of hours worked to administrative functions. Under existing licensing laws and regulations, the Community Care Licensing Division does not have the authority to enforce a group home's compliance with rate setting requirements. Since the eligible hours for administrative functions is not a licensing requirement, District Offices shall not cite deficiencies to group homes if the personnel records or other documents indicate that the administrator or facility manager has not been devoting the Foster Care Rates Bureau required hours to administrative duties.

The Aid to Families with Dependent Children-Foster Care ratesetting regulations as contained in the Manual of Policies and Procedures says in part:

**84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**  
(Continued)**84064**

## Section 11-402.211

**(a)(5)(C)** All Administrator's as defined in California Code of Regulations, Title 22, Sections 80001 (a)(1) and 84064, and Facility's Manager's as defined in Health and Safety Code Section 1522.4 (a), work hours per week shall be allocated to administrative functions subject to the following requirements:

- (i) A program may report hours worked by administrators and facility managers towards program classification so long as the reported hours are allocated in accordance with Sections 11-400e. (1), 11-402.11 (a)(5), 11-402.212 (a)(4) and documentation is provided to verify the administrative staff person provided hours that are eligible for program classification.
- (ii) If a group home program does not allocate administrator's and facility manager's work hours in accordance with Section 11-402.211 (a)(5)(C)(i), the following shall apply:
  - a. For a six-bed program, a minimum of 20 hours per week per administrator and facility manager shall be allocated to the administrative functions related to the operation of a group home program such as ensuring compliance with licensing requirements; and
  - b. For a program greater than six beds, 100 percent of the administrator's and facility manager's time shall be allocated to the administrative functions related to the operation of a group home program such as ensuring compliance with licensing requirements.

**PROCEDURE**

If it is discovered that the administrator or facility manager is not meeting the Foster Care Rates standard, the District Office shall notify the Foster Care Rates Bureau consultant, who is responsible for setting the rate for the subject facility, of the finding.

The Community Care Licensing Division can require the administrator or facility manager to increase the amount of time on the premises managing and administering the group home if the facility administrator's or facility manager's absence or inattentiveness results in care and supervision lapses, or otherwise jeopardizes the health and safety of the children in care.

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**84065 PERSONNEL REQUIREMENTS****84065****(d)(1) POLICY**

Legislation effective January 1, 1988, extended the requirement for a facility manager to facilities serving seven or more children.

Facilities serving six or fewer children which were licensed prior to January 1, 1985, are still exempt from the requirement for a facility manager.

**PROCEDURE**

Facilities, licensed to serve six or fewer children, which are cited for noncompliance with the facility manager requirement shall be cited under Section 84065 (d). Until regulatory changes are effective, facilities with a licensed capacity of seven or more must be cited under Health and Safety Code Section 1522.4 (a)(4).

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**(d)(2)(C) POLICY**

Education requirements must be verified by an original or copy of official grade slips/transcripts, certification or signed documentation on letterhead from a college, adult education or other recognized educational institution. Reference letters shall be used to verify requirements for experience.

**PROCEDURE**

Review Personnel Record (LIC 501) and the employee personnel files to ensure that the facility manager(s) meet the applicable qualifications.

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**(e)(1)(B) PROCEDURE**

Review Personnel Record (LIC 501), and review employee personnel file to ensure compliance with qualification requirements.

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**(f)(1) POLICY**

The number of hours of consultation shall be based on the size of the facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by the social worker employed by the facility.

**84065 PERSONNEL REQUIREMENTS (Continued)****84065****PROCEDURE**

In facilities serving mentally disordered or emotionally disturbed children, check the records to ascertain that a psychiatrist or clinical psychologist is providing consultation at least once a month. Document the need for any additional hours of consultation on the LIC 809.

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**(g)(1)****POLICY**

The number of hours of consultation shall be based on the size of facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by the social worker employed by the facility.

**PROCEDURE**

Review the records to ascertain that a qualified mental retardation professional is providing consultation at least once a month. Document the need for any additional hours of consultation on the LIC 809.

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**(h)(1)****POLICY**

The 20 clock hours of continuing education may include training and classes attended outside the facility or at the facility.

Proof of course attendance/completion shall be limited to official grade slips/transcripts, certificates or signed documentation on letterhead from college/adult education, recognized educational institution/organization or provider association.

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**(h)(1)(A)****POLICY**

As a general guideline, courses are acceptable if:

1. They are provided by a person who possesses the skill and necessary knowledge to teach others in the particular subject area (e.g., a professional or expert in that particular field); and
2. The course will enhance the child care staff's ability to perform his or her responsibilities as outlined in Section 85065.1(a)(1) through (4).

**84065 PERSONNEL REQUIREMENTS (Continued)****84065**

(h)(1)(A)

**POLICY (Continued)**

If a training course is offered in only one specific licensing office jurisdiction, that office shall evaluate the acceptability of course materials and content. If a course is available to more than one Licensing Office jurisdiction (e.g., a statewide seminar or a class for Northern California Licensing Offices), the Central Operations Branch shall evaluate the acceptability of course materials and content prior to attendance by child care staff. District Licensing Offices shall be annually informed of Central Operations Branch approved courses.

Verification shall be limited to official grade slips, transcripts, certificates or signed documentation on letterhead stationary from a college, adult education department, a recognized educational institution/organization or provider association.

**PROCEDURE**

Review personnel files of child care staff to ensure that the facility is complying with the requirement for 20 hours of continuing education pursuant to this subsection.

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**84065.1 PERSONNEL DUTIES****84065.1**

(a)(1)

**PROCEDURE**

Verify that the telephone number where the facility manager can be reached is current and that all appropriate persons and agencies have been provided with a number. Documentation that persons and agencies have been apprised of the facility manager(s) telephone number can include letters written to the appropriate agencies/individuals or documentation of telephone calls to these parties.

(b)(4)

**PROCEDURE**

Observe staff/child interrelations and review written rules of discipline, program and policy statements and organization of living arrangements to assess that the facility is in compliance.

(e)

**POLICY**

This regulation does not prohibit a child from performing household duties that are geared toward his/her development of self-help skills provided the participation is voluntary or specified in the needs and services plan. However, no household duties shall go undone because a child refuses to participate in such a plan.



**84065.5 STAFF/CHILD RATIOS****84065.5****(b) PROCEDURE**

To determine whether the ratio of child care staff meets the needs of the children, review and compare each child's file, the number of children served and the care and supervision required because of age, behavior, living arrangement and other related factors, the Personnel Record (LIC 501) for staff qualifications, job descriptions and the facility program. Document on the LIC 809 the reason for requiring a higher child/staff ratio.

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**84065.7 NIGHT SUPERVISION****84065.7****(b)(1) POLICY**

The on-call person is not required to be on the premises.

The use of local emergency services does not eliminate the requirement to have an "on-call" person. "On-call" personnel are typically used in emergency situations to assist in calming clients after an emergency, power failures, etc. The police, fire department, paramedics and other local emergency services remain the appropriate resources for actual emergency services.

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**84066 PERSONNEL RECORDS****84066****(b)(3)(D) PROCEDURE**

Review Facility Staffing Worksheet (LIC 507) or a comparable record to determine compliance.

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**84068.1 INTAKE PROCEDURES****84068.1****(b)(3) POLICY**

There is nothing to prohibit granting exceptions to allow a child to reside in an Adult Residential Facility if the conditions (and exclusions) listed below under "Procedure" are observed.

**84068.1 INTAKE PROCEDURES (Continued)****84068.1**

Exception requests to allow a child to reside in an Adult Residential Facility are usually generated following an extensive, unsuccessful search for a suitable children's residential facility. Almost all exception requests are for Regional Center children with developmental disabilities, most of whom will live in residential care facilities their entire lives. More specifically, the types of children affected are:

- Children with behavioral problems (ranging from physical aggression to autism). These children are usually boys 16 to 17 years old who are large for their age, physically resemble an adult, and may pose a danger to younger children.
- Dual Regional Center/probation placement children.
- Children recovering from a brain injury.
- Older children who would benefit from transferring several months early into the Adult Residential Facility that they will live in as an adult.

Sometimes alternative care options are desirable when a child is too difficult to handle in a children's residential care facility, or has needs that cannot be met in a children's residential care facility. A child with a behavioral problem or brain injury, for example, may actually be better served in an Adult Residential Facility that specializes in caring for clients with that particular type of problem.

## 84068.1 INTAKE PROCEDURES (Continued)

84068.1

**PROCEDURE**

The following exclusions and conditions apply to granting an age exception for a child to reside in an Adult Residential Facility:

Exclusions

The following categories of children are not to be considered for age exceptions:

- Foster children. Under Welfare and Institutions Code Section 11402, an Adult Residential Facility is not eligible for federal or state foster care funding.
- Children with special health care needs. Currently, Welfare and Institutions Code Sections 17710 et seq. do not provide for children with special health care needs to be placed in an Adult Residential Facility under any circumstances.
- Children under 13 years of age.

Conditions

The following conditions must be placed on exceptions to allow a child to reside in an Adult Residential Facility:

- Written request for an exception from the licensee. As required in Title 22, Regulations, General Licensing Requirements, Section 80024(b)(2), the licensee must submit to the licensing agency a written request for an exception, along with substantiating evidence supporting the request. (*Responsibility of the licensee.*)
- Fire clearance. If a facility is already licensed and has a fire clearance, a new fire clearance is not required just because a child is being placed in the facility. (Age only becomes an issue when a child is two years of age or younger.) The existing fire clearance would only have to be re-evaluated if a nonambulatory child were being placed in a facility licensed for ambulatory clients only. (*Responsibility of the licensing agency and the licensee.*)
- Age of children. As a general rule, licensing staff should consider age exceptions only for children 16 years of age or older. Exceptions for younger children—but no younger than 13 years of age—may be considered under extraordinary circumstances only and must be approved by the Program Administrator of the Statewide Adult Care Program Office. (*Responsibility of the licensing agency.*)

**84068.1 INTAKE PROCEDURES (Continued)****84068.1**

- Documentation from the placement agency. The placement agency (almost always a Regional Center) must provide a letter to the licensee explaining the reasons for recommending placement of the child in a specific Adult Residential Facility (with any backup information attached). The placement agency must also document the support that it intends to provide to the child after placement in the Adult Residential Facility. All of this documentation must be attached to the exception request. *(Responsibility of the placement agency and the licensee.)*
- Compatibility. The issue of the child's compatibility with clients of the Adult Residential Facility must be addressed in both the licensee's written request for an exception and the documentation from the placement agency. Examples of items to consider: Is the child physically the same size as the adults in the Adult Residential Facility? Would the child be physically at risk in the Adult Residential Facility? Does the child have the same behavioral/developmental issues as the adults in the Adult Residential Facility? Does the Adult Residential Facility's program meet the child's needs? Would the child present an unreasonable risk to the other clients? If the Adult Residential Facility has an exception to care for an elderly person, the licensing agency should consider that when assessing compatibility. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*
- Sharing a Room. If the licensee intends to have the child share a room with an adult, the licensee must obtain a letter from the child's placement agency approving the licensee's plan for the child to share a room with a specific adult. The licensee must also obtain a letter from the adult's placement agency approving the plan. Copies of this documentation must be part of the exception request. If the licensee later wants to have the child share a room with a different adult, the licensee must obtain new letters from the child's and the adult's respective placement agencies verifying that the proposed shared living arrangement is acceptable. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*
- Care and Supervision (Title 22, Regulations, General Licensing Requirements Sections 80078 and 85078). The licensee must ensure that Adult Residential Facility staff have the ability to provide care and supervision appropriate to the type of child(ren) to be served. *(Responsibility of the licensee, the placement agency, and the licensing agency.)*

## 84068.1 INTAKE PROCEDURES (Continued)

84068.1

- Needs and services plan [Title 22, Regulations, General Licensing, Section 80068.2(a)]. The licensee must complete a needs and services plan for the child. This plan is part of the supportive documentation for the exception request. The needs appraisal or individual program plan prepared by the placement agency may be used as the needs and services plan if it is still accurate and not more than one year old. *(Responsibility of the licensee in consultation with the placement agency.)*
- Discipline policies and procedures. The licensee's plan for dealing with behavioral problems/disciplinary issues must be part of the exception request and the child's needs and services plan. Are the Adult Residential Facility's current policies and procedures appropriate for the child, or do they need to be modified? The licensee must specify how facility staff will interact with the child's placement agency workers should behavioral problems/disciplinary issues arise. *(Responsibility of the licensee in consultation with the placement agency.)*
- Child Abuse Index Checks. The licensee must ensure that a Child Abuse Central Index review is obtained for all staff or other persons in the Adult Residential Facility subject to fingerprint clearances. For each individual needing a Child Abuse Index Check review, the licensee must send a Child Abuse Central Index Check for State-Licensed Facilities form (LIC 198A [3/99]) directly to the California Department of Justice. The LIC 198As must be submitted to the Department of Justice before the Adult Residential Facility begins caring for the child; however, the actual Child Abuse Index Check reviews conducted by the Department of Justice do not have to be completed before the child enters the facility. *(Responsibility of the licensee.)*
- Child abuse reporting. As required by Penal Code Section 11165.7(a)(8), the licensee must ensure that Adult Residential Facility staff understand their role as mandated child abuse reporters under Penal Code Section 11166. See Section 4-0010 of the Evaluator Manual Reference Material (Mandatory Reporting of Child Abuse). *(Responsibility of the licensee, with assistance from the licensing agency as needed.)*
- Training. Licensing staff should evaluate the need for additional training for Adult Residential Facility staff on a case-by-case basis. No additional training may be necessary. Training that Adult Residential Facility staff have already received on developmental disabilities, brain injuries, or other behavioral issues may be sufficient because of its relevance regardless of the age of the client. *(Responsibility of the licensing agency in consultation with the placement agency and the licensee.)*

**84068.1 INTAKE PROCEDURES (Continued)****84068.1**

- **Overall stipulation.** Licensing staff must attach the following stipulation to all age exceptions:

This exception may be withdrawn at any time if the Department determines that any of the following have occurred:

- 1) the licensee is unable to provide care and supervision to the child; OR
- 2) the child has become incompatible with the other clients; OR
- 3) the placement is otherwise no longer appropriate; OR
- 4) the licensee is not in substantial compliance with licensing laws and regulations.

*(Responsibility of the licensing agency.)*

(b)(4)(D)

**PROCEDURE**

Review the child's records to ensure compliance.

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**84068.2 NEEDS AND SERVICES PLAN****84068.2**

(b)(7)

**POLICY**

A needs and services plan is required for all children who are placed in the facility, except for children who are placed on an emergency basis and who will remain in placement for less than seven days.

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**84068.2 NEEDS AND SERVICES PLAN (Continued)****84068.2****PROCEDURE**

Refer to Section 84068.1(c).

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(d)(1)

**POLICY**

The Preplacement Appraisal Information (LIC 603) and Physicians Report (LIC 602) are available to applicants/licensees to meet the requirement of this regulation.

**PROCEDURE**

Review the Preplacement Appraisal (LIC 603) and the Physicians Report (LIC 602) to ensure that a needs and services plan has been developed in compliance with the specified requirements.

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**84068.4 REMOVAL AND/OR DISCHARGE PROCEDURES****84068.4**

(c)

**POLICY**

For information on granting exceptions to allow a child to reside in an Adult Residential Facility, please see Regulations Interpretations and Procedures, for Adult Residential Facilities, Section 85068.1(b)(3).

**84069.1 IMMUNIZATIONS****84069.1**

(a)(7)

**POLICY**

Verification of immunizations can include a copy of the California School Immunization Record (PM 286) or a written immunization record from the physician or clinic. Immunization records must show the date of receipt of each required dose. Notes from parents, guardians, etc., are not acceptable documentation.

**PROCEDURE**

Review each child's record to ensure that vaccinations have been administered within the required time period.

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**84070 CHILDREN'S RECORDS****84070**

(b)(1)

**POLICY**

This information is required only for adult person(s) with whom the child was living immediately prior to placement. If the child was a runaway, information on children with whom he/she has been living shall not be required.

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**84070 CHILDREN'S RECORDS (Continued)****84070****(b)(3) POLICY**

Effective January 1, 1993, Health and Safety Code Section 1567.3 requires that prior to the out-of-country placement of a child adjudged to be a ward of the court, pursuant to the Welfare & Institutions Code Section 602, the County Probation Officer or California Youth Authority Parole Officer from the ward's county of residence must notify, in writing, the County Probation Officer receiving the placement.

**PROCEDURE**

1. For the purpose of this policy, the county of residence means the county where the child is from, also referred to as the "sending" county.
  2. For the purpose of this policy, the county receiving the placement means the county where the facility is located, also referred to as the "placement" county.
  3. When an out-of-county child adjudged a ward of the court, as defined in Welfare and Institutions Code Section 602, is placed in a community care facility, the licensee shall ask the ward's county of residence probation officer or parole officer if he or she provided the county of placement written notice of placement.
  4. At the time of placement, the licensee must obtain the following information from the county probation officer or parole officer, to be documented in the client's record:
    - a. If the ward's county of residence probation officer or parole officer sent written notice of placement to the local probation officer.
    - b. If the probation or parole officer's response is "yes", the licensee shall document the name and telephone number of the ward's county of residence, probation officer or parole officer and the name and telephone number of the local probation officer.
    - c. If the probation or parole officer's response is "no", the licensee shall document the response and the name and telephone number of the ward's placing probation officer or parole officer.
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**84070 CHILDREN'S RECORDS (Continued)****84070****(b)(11) PROCEDURE**

Review Identification and Emergency Information (LIC 601), Consent for Medical Treatment (LIC 627) and other client records to ensure compliance.

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**(c)(5) PROCEDURE**

Review Appraisal/Needs and Services Plan (LIC 625).

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**84072 PERSONAL RIGHTS****84072****(b)(5) POLICY**

House rules can be established regarding visitation hours, sign in rules, visiting room, etc., but must apply to all visitors.

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**(b)(8) POLICY**

Welfare and Institutions Code Section 11155.5 says in part:

- a. In addition to the personal property permitted by other provisions of this part, a child declared a ward or dependent child of the juvenile court, who is age 16 years or older, and who is a participant in the Independent Living Program pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, may retain any cash savings, including interest, accumulated pursuant to the child's Independent Living Program case plan. The cash savings shall be the child's own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution. The cash savings shall be for the child's use for purposes directly related to emancipation.
- b. The cash savings accumulated and deposited pursuant to this section shall be kept separate from other types and sources of cash savings. The withdrawal of the savings shall require the written approval of the child's probation officer or social worker and shall be directly related to the goal of emancipation.

The cash savings accrued by means of the Independent Living Program must be kept separate from cash savings accumulated by other means, i.e. allowance. The Independent Living Program savings can only be accessed by the child with written approval of the child's probation officer or social worker, and only for specific purposes.

**84072 PERSONAL RIGHTS (Continued)****84072****PROCEDURE**

To determine whether a child's cash resources were accumulated by means of participation in the Independent Living Program or other means, e.g. allowance, review records for the child's account(s) and contact the child's probation officer or social worker.

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**(b)(11)(B)****POLICY**

The number of calls permitted to the child should not be limited unless the licensee has documentation to verify excessive use by that child.

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**(b)(11)(C)****POLICY**

Licensees shall provide a telephone, on the premises, for client use.

Pay telephones meet Subsection (11) if they are accessible. In order for pay telephones to be considered accessible, the facility must provide clients with appropriate change to make local calls. This means the licensee is required to pay for local calls.

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**(b)(12)****PROCEDURE**

Review child's records to ensure that a signed Personal Rights (LIC 613) is on file. Refer to Section 80072.

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**84072.1 DISCIPLINE POLICIES AND PROCEDURES****84072.1****(C)(6)****PROCEDURE**

Review each group home's written discipline plan to ensure compliance. Any requests to use any form of discipline that is not specifically addressed in this section must be evaluated to determine whether the implementation of such forms of discipline will jeopardize the health and safety of the children.

See Section 80024 and Reference Material Section 2-5000.

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**84072.2 COMPLAINT PROCEDURES****84072.2****(a)(3) POLICY**

This regulation shall not prohibit a child and/or his/her authorized representative from filing such complaints with the licensing agency.

**PROCEDURE**

Refer to Section 80072, Personal Rights.

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**84075 HEALTH-RELATED SERVICES****84075****(b) PROCEDURE**

Review medication storage to ensure compliance with regulations.

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**84077 PERSONAL SERVICES****84077****(a)(2) POLICY**

A facility may request an exception to this regulation under the following conditions:

1. If the child in placement is an infant as defined in Section 80001(a)(31).
2. If the child is unable to manage his or her own money. This would apply to children who are between the ages of two and seven who are too young to handle their own money, or if placement has determined that the child cannot manage his or her own money as specified in the child's needs and services plan.

**PROCEDURE**

Review the child's needs and services plan to determine if placement considers the child incapable of managing his or her own money. The exception should be reviewed annually and renewed if appropriate.

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**ARTICLE 7 PHYSICAL ENVIRONMENT****84080 RESIDENT COUNCILS****84080****(b) PROCEDURE**

Determine that facilities permit the formation of resident councils by interviewing residents and/or staff to see if residents have indicated an interest to do so. If it is determined that resident councils are not permitted, cite the licensee on the LIC 809.

If the facility has a resident council, review documentation of notice of meetings, meeting times and recommendations from council meetings. If documentation does not exist, cite the licensee on the LIC 809.

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**84087 BUILDINGS AND GROUNDS****84087**

(b)(1)

**POLICY**

Two to a room is the expected standard in order to provide children in placement some degree of normalization and privacy in their living environment. Such privacy and normalization is achieved to a greater degree in a “family home” setting, versus a group home environment. Only in rare circumstances will a waiver be granted to foster family homes, small family homes or any facility serving the developmentally disabled. For these facility and client types, the exception process should be used.

In all cases, the bedroom must be large enough to afford each child with adequate space, so that required (by regulation) bedroom furnishings can be placed in the room without crowding.

When an exception or waiver is requested, the following guidelines should be followed:

A. Exception

When an applicant/licensee requests an exception to allow specifically identified children to share a bedroom, the individual’s plan must state the advantage(s) of the arrangement for each child being added to the living unit, (e.g., keeping the children of one family together). The plan must also include, at minimum, documentation that no adverse consequences to the other children already in the living unit are foreseen as a result of the placement.

Supporting documentation from the placement agencies or authorized representatives of the individual clients must concur with the request and include:

1. Identification of the client to whom it applies; and the signature, title, date, agency and address of the person(s) submitting documentation for each child.
2. Identification of any special needs or characteristics of the client which support the exception request.
3. Documentation regarding the lack of anticipated adverse consequences to the client.

**84087 BUILDINGS AND GROUNDS (Continued)****84087****(b)(1) POLICY (Continued)****B. Waiver**

Waivers are permissible. Waivers granted to this regulation shall be reviewed at time of renewal; however, the waiver shall remain in effect as long as the factors upon which the original waiver was granted remain unchanged and no increase of incidents attributed to more than two-to-a-room are reported.

The decision to place a child in a particular facility should be based on a determination that a particular facility can meet the child's needs. The licensee is responsible for ensuring that any involved placement agency is advised of the living arrangements and the existence of a facility-wide waiver. The placement worker is responsible for determining the type of environment and program a particular child requires.

To be considered for a waiver of the two-to-a-room standard, the placements must be short term. That is, the length of stay at the facility is 18 months or less and is not meant as a permanent placement. Such short-term placements include, but are not limited to, Emergency Shelters, Assessment Programs, Limited Term Treatment Programs and Emancipation Programs.

**NOTE:** As Emergency Shelters are very short term, normally no more than 30 days, such facilities do not have to document a treatment advantage to qualify for a waiver to the two-to-a-room requirement.

There must be justification that such a room arrangement is consistent with the treatment program philosophy offered by the facility including a specific explanation of the program of treatment.

**Treatment advantages may include:**

- a. Facilities that use group interaction as the primary method of treatment. That is, daily group counseling and a philosophy of group participation and interaction in decision and/or consequential actions of the group members.
- b. Facilities in which the group living arrangement is offered to children who have been abused, thus providing a feeling of security (more common in facilities serving younger children).

**84087 BUILDINGS AND GROUNDS (Continued)****84087**

(b)(1)

**POLICY (Continued)**

- c. Facilities where more safety is needed in staff overseeing and preventing the acting out behavior of children in care (runaway, firesetters, sexually acting out, etc.).

In addition, particular consideration should be given to the following for any facility requesting such a waiver:

1. The sleeping area must be large enough to afford each child with area for storage of personal articles and clothing adjacent to their individual beds. The room must also allow for easy access throughout the room and between beds and personal storage areas.
2. The specific client group in care and their need for privacy. For example, infants' need for privacy is not as great as other client groups. All infants, however, must be given the opportunity to nap/sleep without distraction or disturbance from other activities. This is best achieved by grouping children of similar ages and developmental stages together for purposes of sleeping and activities. Additionally, placement of the cribs within the sleeping area must provide sufficient space between cribs to prevent crowding.
3. Availability of other areas in the facility to accommodate any need for privacy for personal hygiene and study:

**NOTE:** Regulations effective August 2, 1975, implemented the two-to-a-room standard. At that time, some facilities were allowed to continue serving more than two-to-a-room. These facilities will maintain such exemption status. Documentation should have been placed in the file at that time stating that the facility is exempt. In those cases where no such documentation exists, District Office staff should ensure that a document is filed stating that the facility is exempt from the waiver/exception criteria and the reason for the exemption.

**PROCEDURE**

The licensing agency shall review individual requests for waivers and/or exceptions upon receipt of justification including at least:

1. A floor plan or sketch of the room area, including room dimensions and specification of the furniture in the room.
2. Names of residents to be housed and statements from the placement workers or authorized representatives that the background and behavior characteristics of their child have been reviewed and supports the commingling of their client with the others in the bedroom. (Required for Exceptions only.)



**84087 BUILDINGS AND GROUNDS (Continued)****84087****(b)(1) PROCEDURE (Continued)**

3. The duration of the waiver/exception shall be for the term of the license or for a shorter period at the request of the applicant/licensee or as deemed necessary by the licensing agency to ensure adequate and safe provision of service.
4. Incident reports as required by Section 80061 shall be reviewed initially and on an ongoing basis.
5. Any room to be used to house more than two persons must have an appropriate fire clearance to ensure that there is sufficient space and exits to the outside of the facility to accommodate the children. For new facilities, this can be done at the time of initial licensure. For existing facilities a new fire clearance must be requested.
6. Documentation from the placement worker must be in the child's record at the facility in those cases where the child will be in a living unit of more than two. The documentation must contain acknowledgement by the placement worker of the living arrangement and a statement that such an arrangement is appropriate to meet the needs of the child, and that this is acknowledged as a short-term placement, and that it is not expected that the placement will exceed 18 months.

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**84087.2 OUTDOOR ACTIVITY SPACE****84087.2****(a)(4) POLICY**

The licensee's written program statement shall include the location(s) of outdoor activity space utilized by children.

Fencing used to make a hazard inaccessible from an activity space may obscure the hazard from view. However, Section 80087(f)(1) of the General Licensing Regulations which requires that if the hazard is a pool, including swimming pools, fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water, the fence shall be constructed so that it does **NOT** obscure the pool from view.

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**84088      FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**

84088

(b)(4) **POLICY**

Privacy shall be endured with the use of dividers, screens, curtains, stall door, etc.

(c)(1)(A) **POLICY**

The licensee should be encouraged, but may not be required, to provide a comfortable resting surface (e.g., cot, bed, lounges, etc.) in isolation areas.

(c)(1)(B) **POLICY**

For those mattresses and pillows not certified as flame retardant, flame retardant mattress and pillow covers must be provided.

(c)(3) **POLICY**

These items are to be furnished by the licensee, unless the client wishes to use a specific brand which the facility does not normally purchase. Charges for special purchases must be indicated in the admission agreement and provided at cost.

If a facility has a problem with waste of basic personal hygiene items, additional supervision must be provided rather than fining children when waste occurs.

## PROCEDURE

Review admission agreements to ensure that the child's authorized representative has agreed to the additional charges.

**84088.3 OUTDOOR ACTIVITY EQUIPMENT****84088.3**

(e)(3)

**POLICY**

“Living unit” is the client’s bedroom.

The intent of this regulation is to ensure that all clients have access to staff in an emergency. If the system used by the facility meets the intent of this regulation by using a safe and effective alternative, a waiver may be granted. Review of such a waiver request must consider the specific system in a facility and the acceptance by the facility of only those clients who have the ability to use the alternative system or plan. The alternative system must be approved in writing by placement or other agencies indicated by the licensing agency, and the approval submitted to the licensing agency as part of the waiver request.

Intercoms may be used to meet the requirement for a signal system. As with an alternative for a signal system, it must meet the intent of the regulation and the facility clients must be capable of using the system. In no circumstances is a signal system or alternative to be used in place of required staff for purposes of client supervision.

**PROCEDURE**

Refer to Section 80024 and Reference Material Section 2-5000.

**SUBCHAPTER 1 COMMUNITY TREATMENT FACILITIES****ARTICLE 3 APPLICATION PROCEDURES****84120 FIRE CLEARANCE****84120****(b) PROCEDURE**

All Fire Safety Inspection Request (STD 850), for a community treatment facility must state, "Secured structured environment for children; entrances, exits, and windows controlled with locking mechanisms."

Additional statements must be included on the STD 850 when the following situations exist:

- When the community treatment facility applicant indicates their intention to use restraints, include the statement, **"Physical Restraint is used by means of restricting movement, application of mechanical devices and/or involuntary placement in seclusion room."**
- When the community treatment facility applicant indicates either on the facility sketch (LIC 999) or in Section B.9 of the "Supplemental Application – Community Treatment Facility" that the security features specify a secure outside and/or recreational area, include the statement: **"Outside spaces and/or recreational areas are secured to prevent egress or ingress."**

**SUBCHAPTER 2 CARE FOR CHILDREN UNDER THE AGE OF SIX YEARS****ARTICLE 3 APPLICATION PROCEDURES****84222 PLAN OF OPERATION****84222****(a) POLICY**

The program statement (LIC 9106) of a group home that accepts children under the age of six years must include the information specified in Regulations, Section 84222.

**PROCEDURE**

Direct group homes that intend to care for children under the age of six years to include the information specified in Section 84222 with the program statement. Until the LIC 9106 is changed to include a standardized format for this information, the licensee may use any format that includes all the specified information.

**ARTICLE 6 CONTINUING REQUIREMENTS****84261 REPORTING REQUIREMENTS****84261****(a) POLICY**

The Group Home Program Statement (LIC 9106) must specify the age group that the facility serves. If children under the age of six years are served, the LIC 9106 must include all the information specified in Section 84222. Group homes that accept children under the age of six years must operate according to the Group Home Program Statement (Plan of Operation). Any changes in operations must receive prior approval from the licensing office.

See Evaluator Manual Sections 84000 and 84222 for additional information.

**84277 PERSONAL SERVICES****84277****(e)(1) POLICY**

A crib, floor mat, cot, or bed may be used for naps only. Nighttime sleeping arrangements are limited to cribs and beds.

**SUBCHAPTER 3 EMERGENCY INTERVENTION IN GROUP HOMES****ARTICLE 8 USE OF EMERGENCY INTERVENTION IN GROUP HOMES****84802 EMERGENCY INTERVENTION PLAN****84802****(d)(1) POLICY**

When all facility personnel within a specific job classification must be trained to use emergency interventions, the emergency intervention plan may identify the job classification only, and not the names of facility personnel in that job classification.

**PROCEDURE**

The Licensing Program Analyst shall verify successful completion of emergency intervention training by reviewing the individual personnel records of facility personnel within the specific job classification. The personnel records must indicate: a) that all persons within that job classification have been trained; and, b) trained facility personnel are on duty at all times in sufficient numbers to meet the requirements of the emergency intervention plan.

**(f)(2) (A)(B)(E) POLICY**

When the facility administrator or administrator's designee is participating in the manual restraint, she or he cannot approve the continuation of the restraint. For the purposes of approval, any staff person not involved in the emergency intervention may provide the written approval of the restraint. This staff person is the de facto administrator designee in this situation. The individual who provides the written approval of the restraint must be appropriately trained in emergency interventions, as required in the emergency intervention training plan.

**PROCEDURE**

When a manual restraint incident report identifies the administrator or administrator's designee as a participant in the manual restraint, the Licensing Program Analyst shall verify the name of the individual who provided the written approval, and the individual's job title and qualifications.

**84807 MEDICAL EXAMINATION****84807****(a) POLICY**

When the administrator or social work staff are not available, any staff person may obtain a post emergency intervention medical examination of the child, when necessary.

**PROCEDURE**

The Licensing Program Analyst shall ensure that the manual restraint incident report indicates why an individual other than the administrator or social work staff determined a medical examination was/was not necessary. The Licensing Program Analyst shall verify the job title and qualifications of the staff person that made the determination.